

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Evelis Otero	Team: Team # 3	CCRB Case #: 201102167	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/17/2011 6:50 PM	Location of Incident: § 87(2)(b) and the 47th Precinct Stationhouse	Precinct: 47	18 Mo. SOL 8/17/2012	EO SOL 8/17/2012	
Date/Time CV Reported Thu, 02/17/2011 10:55 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/23/2011 4:38 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)		
§ 87(2)(b)		
§ 87(2)(b)		
§ 87(2)(b)		
§ 87(2)(b)		

Witness(es)	Home Address
§ 87(2)(b)	
§ 87(2)(b)	

Subject Officer(s)	Shield	TaxID	Command
1. POM Brandon Ravelo	26010	948409	PBBX
2. DT3 David Bonacarti	10881	932343	047 DET
3. POM Patrick Sullivan	24795	931282	047 DET
4. DTS Joseph Aylward	04743	923529	ESS 03
5. Officers			
6. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SDS Michael Orourke	04869	900762	047 DET
2. LT Steven Malloy	00000	901891	PBBX
3. DTS Carlos Linares	05515	922650	ESS 03
4. POM Donald Ford	03893	944568	047 PCT
5. SGT William Flaherty	00773	926832	PBBX

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Force: Officers used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.	
B. POM Patrick Sullivan	Discourtesy: PO Patrick Sullivan spoke obscenely to § 87(2)(b) and § 87(2)(b) at § 87(2)(b) in the Bronx.	
C. DT3 David Bonacarti	Discourtesy: Detective David Bonacarti spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.	
D. Officers	Force: Officers used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.	
E. DT3 David Bonacarti	Force: Detective David Bonacarti used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.	

Officer(s)	Allegation	Investigator Recommendation
F. Officers	Force: Officers used physical force against § 87(2)(b) and § 87(2)(b) at § 87(2)(b) in the Bronx.	
G. An officer	Force: An officer struck § 87(2)(b) with an asp at § 87(2)(b) in the Bronx.	
H. Officers	Discourtesy: Officers spoke obscenely to § 87(2)(b) and § 87(2)(b) at § 87(2)(b) in the Bronx.	
I. An officer	Force: An officer struck § 87(2)(b) with an asp at § 87(2)(b) in the Bronx.	
J.DTS Joseph Aylward	Force: Detective Joseph Aylward tasered § 87(2)(b) at § 87(2)(b) in the Bronx.	
K. An officer	Discourtesy: An officer spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.	
L.POM Brandon Ravelo	Discourtesy: PO Brandon Ravelo spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.	
M.POM Brandon Ravelo	Abuse: PO Brandon Ravelo threatened § 87(2)(b) with the use of force at § 87(2)(b) in the Bronx.	
N.POM Brandon Ravelo	Force: PO Brandon Ravelo used physical force against § 87(2)(b) at the 47th Precinct Stationhouse.	
O. Officers	Force: Officers used physical force against § 87(2)(b) at the 47th Precinct Stationhouse.	
P. An officer	Discourtesy: An officer spoke obscenely to § 87(2)(b) at the 47th Precinct Stationhouse.	
Q.POM Brandon Ravelo	Abuse: PO Brandon Ravelo damaged § 87(2)(b)'s property at the 47th Precinct Stationhouse.	

### Case Summary

On February 17, 2011, § 87(2)(b) filed a complaint via telephone with IAB, generating IAB Log No. § 87(2)(b) (enc. B-1), on behalf of her son, § 87(2)(b). The aforesaid complaint was forwarded to the CCRB on February 23, 2011. § 87(2)(b) also filed this complaint with the CCRB, via the online website, on February 20, 2011, (enc. B-2 – B-6). On February 17, 2011, at approximately 6:50 p.m., § 87(2)(b) and his friend, § 87(2)(b) were in the vicinity of § 87(2)(b) in the Bronx, when they were arrested by PO Patrick Sullivan of the 47<sup>th</sup> Precinct Detective Squad. The following allegations resulted from the officer's actions:

- **Allegation A – Force: Officers used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.**  
§ 87(2)(g)  
[REDACTED]
- **Allegation B – Discourtesy: PO Patrick Sullivan spoke obscenely to § 87(2)(b) and § 87(2)(b) at § 87(2)(b) in the Bronx.**
- **Allegation C – Discourtesy: Detective David Bonacarti spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.**
- **Allegation D – Force: Officers used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.**  
§ 87(2)(g)  
[REDACTED]
- **Allegation E – Force: Detective David Bonacarti used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.**  
§ 87(2)(g)  
[REDACTED]
- **Allegation F – Force: Officers used physical force against § 87(2)(b) and § 87(2)(b) at § 87(2)(b) in the Bronx.**
- **Allegation G – Force: An officer struck § 87(2)(b) with an asp at § 87(2)(b) in the Bronx.**
- **Allegation H – Discourtesy: Officers spoke obscenely to § 87(2)(b) and § 87(2)(b) at § 87(2)(b) in the Bronx.**
- **Allegation I – Force: An officer struck § 87(2)(b) with an asp at § 87(2)(b) in the Bronx.**
- **Allegation J – Force: Detective Joseph Aylward tasered § 87(2)(b) at § 87(2)(b) in the Bronx.**  
§ 87(2)(g)  
[REDACTED]
- **Allegation K – Discourtesy: An officer spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.**  
§ 87(2)(g)  
[REDACTED]

- **Allegation L – Discourtesy: PO Brandon Ravelo spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.**
- **Allegation M – Abuse: PO Brandon Ravelo threatened § 87(2)(b) with the use of force at § 87(2)(b) in the Bronx.**
- **Allegation N – Force: PO Brandon Ravelo used physical force against § 87(2)(b) at the 47th Precinct Stationhouse.**
- **Allegation O – Force: Officers used physical force against § 87(2)(b) at the 47th Precinct Stationhouse.**
- **Allegation P – Discourtesy: An officer spoke obscenely to § 87(2)(b) at the 47th Precinct Stationhouse.**
- **Allegation Q – Abuse: PO Brandon Ravelo damaged § 87(2)(b)'s property at the 47th Precinct Stationhouse.**

§ 87(2)(g)

## **Results of Investigation**

### **Civilian Statements**

#### **Victim:** § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. He is a Hispanic male who is 6'1" tall, weighs 165 pounds and has black hair and brown eyes.

#### **Arrest Photograph**

§ 87(2)(b)'s arrest photo does not show any visible injuries to his face (enc. C-7).

#### **Statements to Medical Personnel**

§ 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (enc. E-23 – E-41). § 87(2)(b) informed medical personnel that officers kicked and hit him repeatedly on the right cheek, right leg and on the right side of his ribs.

#### **CCRB Testimony**

§ 87(2)(b) was interviewed at the CCRB on March 4, 2011 (enc. C-8 – C-15).

On February 17, 2011, at approximately 6:50 p.m., § 87(2)(b) was walking from a bodega in the vicinity of § 87(2)(b) in the Bronx, with his friend, whom he only knows as "§ 87(2)(b)" towards § 87(2)(b)'s residence, located at § 87(2)(b) in the Bronx. "§ 87(2)(b)" was identified via the investigation as § 87(2)(b). § 87(2)(b) could not recall the name or address of the bodega.

When § 87(2)(b) and § 87(2)(b) approached the front of § 87(2)(b) two unidentified plainclothes officers, identified via the investigation as PO Patrick Sullivan and Detective David Bonacarti of the 47<sup>th</sup> Precinct Detective Squad, approached § 87(2)(b) with their hands on their guns, which were holstered and not drawn, and instructed him to stop. § 87(2)(b) did not know that they were officers at this time because they had not identified themselves as such. PO Sullivan and Detective Bonacarti told § 87(2)(b) that they "had him on video shooting a gun." PO Sullivan and Detective Bonacarti pushed § 87(2)(b) face first to the

ground and handcuffed him. § 87(2)(b) asked the officers what they were doing and they replied, “Shut the fuck up and go back into your house.” § 87(2)(b) did not comply and continued to question the officers’ actions.

§ 87(2)(b)’s neighbor, § 87(2)(b) approached at this time and attempted to enter the building. The officers told § 87(2)(b) to “get the fuck out of there,” but he ignored and continued attempting to enter the building. Detective Bonacarti left § 87(2)(b) with PO Sullivan and approached § 87(2)(b). Detective Bonacarti pushed § 87(2)(b) back first against a nearby fence. § 87(2)(b) escaped Detective Bonacarti’s grasp and attempted to flee the scene. Detective Bonacarti followed after § 87(2)(b) and called for backup as § 87(2)(b) ran down the street towards his vehicle. § 87(2)(b) followed Detective Bonacarti and § 87(2)(b).

An unmarked black or navy blue Impala arrived on the scene and cut off § 87(2)(b) before he was able to make it to his vehicle. Detective Bonacarti caught up to § 87(2)(b), pushed him against the vehicle and punched him twice in the face. § 87(2)(b), who was very close to Detective Bonacarti and § 87(2)(b) when this happened, complained to Detective Bonacarti, saying, “What the fuck are you doing? You’re OD’ing! His § 87(2)(b) year-old is watching in the car.” Detective Bonacarti slapped § 87(2)(b). § 87(2)(b) walked away and knocked on the apartment window of his mother, § 87(2)(b), informed her that he was slapped by an officer and asked her to come outside, which she did, shortly thereafter.

Several unidentified uniformed officers arrived on the scene at this time. § 87(2)(b) was handcuffed and PO Sullivan walked over. An unidentified uniformed officer walked § 87(2)(b) who was in handcuffs, towards a vehicle and leaned him against it. A marked NYPD truck, a van and several RMPs arrived on the scene shortly thereafter. Detective Bonacarti pointed out § 87(2)(b) to the uniformed officers. § 87(2)(b) attempted to flee when he was pointed out by running into the middle of the street. § 87(2)(b) told § 87(2)(b) to stop running, so he stopped and put his hands up.

Approximately 7 to 8 unidentified uniformed officers approached § 87(2)(b) and pushed him to the ground. Once on the ground, the officers started to handcuff § 87(2)(b) while simultaneously kicking and punching him all over his body, particularly his face and ribs, 15 times. Of the 15 punches and kicks, 8 to 9 of the blows landed on § 87(2)(b)’s face. § 87(2)(b) attempted to get up and get away as the officers tried to handcuff him because he wanted to go to a location that had video cameras. An officer hit § 87(2)(b) on the leg 3 times with an asp. § 87(2)(b) felt the officers “stepping” into the handcuffs, as if applying pressure to them as they handcuffed him. § 87(2)(b) saw a red pointer dot on his body and heard an officer say, “Tase him. Tase him.” § 87(2)(b) was ultimately not tasered because the officers turned their attention to his friend, § 87(2)(b) who was standing nearby. § 87(2)(b) was tasered by an officer, identified via the investigation as Detective Joseph Aylward of the Emergency Service Unit, but § 87(2)(b) did not know why.

Once handcuffed, § 87(2)(b) was picked up from the ground and removed from the scene. § 87(2)(b) sustained a laceration to his lip and leg, and contusions to his face and ribs. § 87(2)(b) sought medical treatment at § 87(2)(b) once he was released from police custody on § 87(2)(b).

**Victim:** § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. He is a black male who is 6’1” tall, weighs 125 pounds and has black hair and brown eyes.

**Arrest Photograph**

§ 87(2)(b) arrest photo reveals a minor abrasion to his bottom lip (enc. C-16).

**Attempts to Contact Civilian**

§ 87(2)(b) identified § 87(2)(b) as a witness for this incident and provided a phone number for him. The investigator called the aforementioned phone number on March 25, 2011; however, it was disconnected. A search was conducted on Whitepages.com on the same day, which revealed one possible phone number for § 87(2)(b). The investigator called the phone number revealed from the search on the same day and established contact with § 87(2)(b). § 87(2)(b) provided a brief phone statement (summarized below) but refused to schedule an appointment at the time. § 87(2)(b) asked the investigator to call on a later date. A subsequent call was made on April 5, 2011. A detailed message was left. A letter was mailed to § 87(2)(b) on the same day. On April 8, 2011, § 87(2)(b) mother called the investigator and confirmed receipt of the letter. She

stated that she would have § 87(2)(b) call the investigator. § 87(2)(b) did not call the investigator. A subsequent call was made on April 12, 2011. A detailed message was left. On May 9, 2011, the investigator called § 87(2)(b) and established contact with his mother. She informed the investigator that she sent § 87(2)(b) out of State and that he would not return for an undisclosed amount of time. § 87(2)(b) mother refused to provide updated contact information for her son. A second letter was mailed to § 87(2)(b) on the same day. The letters did not return to the CCRB. To date, the CCRB has been unable to obtain an official statement from § 87(2)(b)

§ 87(2)(b) provided the following phone statement on March 25, 2011 (enc. C-17):

On the day of the incident, § 87(2)(b) and § 87(2)(b) were coming from a bodega when two officers, identified via the investigation as PO Patrick Sullivan and Detective David Bonacarti of the 47<sup>th</sup> Precinct Detective Squad, approached them with guns drawn. The officers instructed § 87(2)(b) to get on the ground, which he did. § 87(2)(b) asked what was happening and asked § 87(2)(b) if he was “ok.” The officers started to yell at § 87(2)(b) and one of the officers grabbed him. Several marked police vehicles, including a marked truck arrived on the scene. Several unidentified officers approached the scene and started punching § 87(2)(b). Afterwards, § 87(2)(b) was handcuffed. Several unidentified officers hit § 87(2)(b) and § 87(2)(b)'s neighbor, identified via the investigation as § 87(2)(b) § 87(2)(b) friend, § 87(2)(b) was tasered by an officer, identified via the investigation as Detective Joseph Aylward of the Emergency Service Unit, because he tried to help § 87(2)(b) § 87(2)(b) sustained a swollen lip but he did not seek medical treatment.

**Victim:** § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. He is a black male who is 6'0" tall, weighs 206 pounds and has black hair and brown eyes.

**Arrest Photograph**

§ 87(2)(b)'s arrest photo does not show any visible injuries to his face (enc. C-20).

**Statements to Medical Personnel**

§ 87(2)(b) was treated at § 87(2)(b) (enc. E-42 – E-63). § 87(2)(b) informed medical personnel that officers punched him in the face and kicked him in the ribs.

**CCRB Testimony**

§ 87(2)(b) was interviewed at the CCRB on April 18, 2011 (enc. C-22 – C-27). § 87(2)(g)

On the day of the incident, § 87(2)(b) exited his residence, located at § 87(2)(b) § 87(2)(b) in the Bronx, with his unidentified § 87(2)(b) daughter, and they walked outside of the building towards his vehicle, a grey 2003ci BMW, which was parked on § 87(2)(b) § 87(2)(b) was wearing a zip down hooded sweatshirt with a t-shirt underneath, jeans and sneakers. When they reached his vehicle, § 87(2)(b) placed his daughter in the car seat. As he did so, § 87(2)(b) saw his next door neighbor of 13 years, § 87(2)(b) approach with § 87(2)(b)'s friend, whom § 87(2)(b) only knows as “§ 87(2)(b)” identified via the investigation as § 87(2)(b) § 87(2)(b) does not personally know § 87(2)(b) § 87(2)(b) assisted § 87(2)(b) by closing the rear passenger door, where his daughter was sitting. § 87(2)(b) and § 87(2)(b) then walked off towards § 87(2)(b) § 87(2)(b)'s friend, § 87(2)(b) (b) came by shortly thereafter and § 87(2)(b) asked him to watch his daughter for a minute, while he returned to his apartment to get her a change of clothes. § 87(2)(b) stated that he was about to take his daughter out for some ice cream, but since she is lactose intolerant she would need a change of clothes. § 87(2)(b) remained by § 87(2)(b)'s vehicle, while § 87(2)(b) followed after § 87(2)(b) who seemed to be getting ready to enter the

building. § 87(2)(b) made no mention of § 87(2)(b)'s presence during his initial phone statement; instead, § 87(2)(b) stated that it was § 87(2)(b) whom he asked to watch his daughter while he returned to his apartment.

As § 87(2)(b) approached the building, he observed two plainclothes officers, identified via the investigation as PO Patrick Sullivan and Detective David Bonacarti of the 47<sup>th</sup> Precinct Detective Squad, approaching § 87(2)(b) and § 87(2)(b). § 87(2)(b) did not know that they were officers at this time as they did not identify themselves as such. One of the officers stated that § 87(2)(b) was "caught on camera shooting a gun." § 87(2)(b) ignored the officers and continued towards the building entrance, as he thought that they were just "building security guards." PO Sullivan said to § 87(2)(b) "Hey! Back the fuck up." § 87(2)(b) stated in his initial phone statement that he was unsure who PO Sullivan directed this comment to. § 87(2)(b) asked who they were and informed them that he was just trying to get in his building. Neither of the officers had said anything to § 87(2)(b) prior to the aforesaid comment. PO Sullivan then said to § 87(2)(b) "Back up. Back up." Detective Bonacarti then grabbed § 87(2)(b) and pushed him back first against a nearby railing.

Initially, § 87(2)(b) alleged that Detective Bonacarti punched him on the face when he was pushed against the railing. However, § 87(2)(b) retracted his statement, clarifying that upon being pushed against the railing he started to struggle with Detective Bonacarti by attempting to move away from him and by shrugging his shoulders. § 87(2)(b) stated that during this struggle Detective Bonacarti seemed to be trying to get a good grip on him by grabbing onto his hooded sweatshirt and that when Detective Bonacarti's hands reached to grab § 87(2)(b) Detective Bonacarti accidentally hit him on the face. However, § 87(2)(b) did not claim to have been punched by Detective Bonacarti, whether accidental or otherwise, when he provided his initial phone statement, stating only that he cursed at Detective Bonacarti during the struggle. After Detective Bonacarti's hands made contact with § 87(2)(b)'s face, he grabbed onto the top part or "collar" of the sweatshirt. When asked to further articulate this, he was unable to do so. § 87(2)(b) continued to move until he ultimately slipped away from Detective Bonacarti and fled, running towards his vehicle. § 87(2)(b) was not aware of what was happening with § 87(2)(b) and § 87(2)(b) during this time.

Detective Bonacarti chased after § 87(2)(b). While chasing § 87(2)(b) Detective Bonacarti went over the radio, shouting § 87(2)(b)'s description and screaming for help. It was at this time that § 87(2)(b) realized that PO Sullivan and Detective Bonacarti were officers. § 87(2)(b) continued to run until he was nearly at his vehicle but stopped when he saw a black unmarked vehicle pull up in front of his vehicle. An officer, identified via the investigation as Sergeant Michael O'Rourke of the 47<sup>th</sup> Precinct Detective Squad, exited the unmarked vehicle, grabbed § 87(2)(b) and pushed him against a nearby vehicle. Detective Bonacarti caught up, approached § 87(2)(b) and punched him in the face. During his initial phone statement, § 87(2)(b) made no mention of Sergeant O'Rourke's presence; instead, he stated that as he fled he was tackled to the ground and that Detective Bonacarti punched him in the face.

Several unidentified officers arrived at this time. § 87(2)(b) shouted to § 87(2)(b) instructing him to remove his daughter from his vehicle. There was a large commotion at the scene. § 87(2)(b) was walked over to where § 87(2)(b) was and he was pushed onto a pile of nearby garbage bags. § 87(2)(b) was then pushed onto the garbage bags and he landed in a seated position on top of § 87(2)(b). The officers pushed § 87(2)(b) a second time to get him in a laying position. The second push caused § 87(2)(b) to hit the left side of his face on the concrete. Several officers then repeatedly punched and kicked § 87(2)(b) on his legs, back and neck. § 87(2)(b) could not estimate how many times he was hit. § 87(2)(b) also could not estimate how many officers struck him, but he indicated that Detective Bonacarti was involved. § 87(2)(b) heard an officer say, "Don't move. Shut the fuck up." § 87(2)(b) was unsure as to who said this. § 87(2)(b) continually moved his body during this time, trying to look up and find out where his daughter was. § 87(2)(b) was then kned in the back.

§ 87(2)(b) observed § 87(2)(b) knock on one of the windows of his apartment and ask his mother, § 87(2)(b) to come out because § 87(2)(b) was being "beat up" by officers. § 87(2)(b) then ran into the middle of the street, fleeing from officers. § 87(2)(b) exited the building shortly thereafter and took § 87(2)(b)'s daughter into her arms and handed her to § 87(2)(b)'s unidentified girlfriend. An officer pressed a knee into § 87(2)(b)'s back and handcuffed him. One of the officers in the group pressed his knee into the

handcuffs, which made the handcuffs tighter. § 87(2)(b) was then picked up from the ground and placed into the nearby marked van.

While inside of the van, § 87(2)(b) observed § 87(2)(b) pushed down to the ground by an unidentified officer. § 87(2)(b) was approximately 3 car lengths away when he observed this. Unidentified officers then punched and kicked § 87(2)(b) in the face and hit him multiple times with an asp. § 87(2)(b) observed several officers with their asps out. § 87(2)(b) also observed officers using force against another individual, whom he identified by name as § 87(2)(b). An unidentified officer punched § 87(2)(b) on the chest and pushed him to the ground. Unidentified officers punched § 87(2)(b) while he was on the ground. § 87(2)(b) did not resist or fight back but he did “block the blows.” § 87(2)(b) indicated that the area in which § 87(2)(b) was in was a shaded area and that since it was already dark out he had difficulty making out what was happening to him. There were approximately 4 officers surrounding § 87(2)(b). An officer, identified via the investigation as Detective Joseph Aylward of the Emergency Service Unit, attempted to taser § 87(2)(b) but missed the first time and accidentally tasered an officer. § 87(2)(b) observed this officer running and screaming, trying to take the prongs out of his body. The officer attempted to taser § 87(2)(b) a second time and was successful. During his initial phone statement, § 87(2)(b) did not claim to have witnessed officers using force against § 87(2)(b) besides the taser.

Shortly thereafter, an officer, who § 87(2)(b) identified by name as PO Brandon Ravelo of Patrol Borough Bronx, got into the marked van. § 87(2)(b) indicated that he knew PO Ravelo’s name because he used to “street race” with him before he became an officer. PO Ravelo said to § 87(2)(b) “I’m from the streets. I’m hood. If you got a problem, we can fix this. Soon as we get to the precinct we take off the cuffs, put you in the holding cell and me and you, we’ll fight and we’ll see who is the pussy.” § 87(2)(b) declined PO Ravelo’s offer to fight. PO Ravelo then said, “No. No. You’re the tough guy. I’ll fix you when we get to the precinct.” Shortly thereafter he was transported to the stationhouse. During his initial phone statement, § 87(2)(b) did not allege that PO Ravelo said this. In fact, § 87(2)(b) made no allegations against PO Ravelo during his initial phone statement until after he was transported to the stationhouse. § 87(2)(b) alleged during his initial phone statement that an unidentified officer in the van called him a “dumb ass nigger,” a “pussy” and threatened to “fuck him up.” § 87(2)(b) also stated in his initial phone statement that he argued with this officer, who in turn continually cursed at him.

When they arrived at the stationhouse, § 87(2)(b) was the first prisoner removed from the vehicle. PO Ravelo walked him towards the entrance and pushed him up a nearby ramp. When they got close to the entrance, PO Ravelo yelled, “Stop resisting.” § 87(2)(b) was not doing anything that would have prompted PO Ravelo to say this. Several unidentified officers exited the stationhouse when they heard this. PO Ravelo pushed § 87(2)(b) against a banister, dragged him through some nearby trash, pushed him into a wall and then used § 87(2)(b)’s face to literally open the front door of the stationhouse but pushing his face into it. One officer grabbed § 87(2)(b) by his arm, another by the hooded sweatshirt he was wearing, and another by the back of his neck. An unidentified officer punched § 87(2)(b) on the left side of his face. § 87(2)(b) was then walked into the stationhouse, where the officers picked him up and tossed him over the front desk, where an unidentified officer, PO1, was standing. PO1 said, “I don’t want this scum here. Get him the fuck out of here.” § 87(2)(b) could not recall if PO1 wore a uniform or plainclothes. § 87(2)(b) was not even sure if PO1 was even an officer or a civilian NYPD employee. § 87(2)(b) was then placed into the holding cell.

During § 87(2)(b)’s initial phone statement, he alleged that the officer he argued with in the van was the officer who pushed him against the banister and against the door and not PO Ravelo. The only allegation § 87(2)(b) made against PO Ravelo during his initial phone statement was that he threw him over the front desk in the stationhouse. § 87(2)(b) also did not allege that the officer at the desk spoke obscenities when he provided his initial phone statement.

While in the holding cell, § 87(2)(b)’s shoes and shoelaces were removed. PO Ravelo cut off § 87(2)(b)’s belt with a knife and pulled on the hood of his sweatshirt until it ripped off completely. PO Ravelo was also going to cut § 87(2)(b)’s belt off but § 87(2)(b) begged him not to because it was a “Gucci” belt. An officer standing with PO Ravelo in the holding cell said, “Fuck him. Cut that shit off.” PO Ravelo allowed § 87(2)(b) to take his belt off and did not cut it. § 87(2)(b) requested medical attention and PO Ravelo attempted to convince him to not go to the hospital by threatening to contact his probation officer if he did so. § 87(2)(b)



begged PO Ravelo not to contact his probation officer, but EMS arrived at the stationhouse anyway. EMS discovered the taser marks on § 87(2)(b)'s back and asked him if he was tasered. § 87(2)(b) appeared as if he was too frightened to answer, as PO Ravelo was present with EMS. EMS removed § 87(2)(b) to the hospital anyway. § 87(2)(b) did not make these allegations during his initial phone statement. § 87(2)(b) did not seek medical attention until after he was released from police custody at § 87(2)(b) § 87(2)(b) identified § 87(2)(b) as a witness for this incident.

**Victim:** § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. He is a black male who is 5'11" tall, weighs 150 pounds and has black hair and brown eyes.

**Arrest Photograph**

§ 87(2)(b)'s arrest photo does not show any visible injuries to his face (enc. C-28).

**Statements to Medical Personnel**

§ 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (enc. E-1 – E-22). § 87(2)(b) informed medical personnel that officers “beat him up” and that an officer stepped on his face.

**CCRB Testimony**

§ 87(2)(b) was interviewed at the CCRB on April 18, 2011 (enc. C-30 – C-34). § 87(2)(g)

On the day of the incident, § 87(2)(b) was in the vicinity of his residence, located at § 87(2)(b) in the Bronx, when he encountered an unidentified male who had been stabbed. This unidentified male was bleeding profusely, so § 87(2)(b) helped him by stopping the bleeding. Shortly thereafter, unidentified “crime scene” officers arrived on the scene and took § 87(2)(b) to the stationhouse, where they asked him questions with regards to the stabbing. § 87(2)(b) cooperated with the officers and was allowed to leave shortly thereafter. However, in his initial phone statement, § 87(2)(b) stated that an individual in his neighborhood had been shot and that he took him to the hospital. After taking him to the hospital, officers obtained a statement from him at the stationhouse.

§ 87(2)(b) left the precinct and walked toward his residence alone. § 87(2)(b) made no stops at any point. When § 87(2)(b) was close to his residence, he encountered his friend, § 87(2)(b), and both continued walking towards § 87(2)(b)'s residence. § 87(2)(b) and § 87(2)(b) were walking in the vicinity of § 87(2)(b) when they observed approximately 9 to 10 unidentified officers surrounding § 87(2)(b)'s friend, § 87(2)(b) who was on the ground and was screaming. Upon seeing the officers, § 87(2)(b) fled the scene. § 87(2)(b) was handcuffed shortly thereafter.

Once § 87(2)(b) was handcuffed, an unidentified officer grabbed § 87(2)(b) by the shoulder part of his shirt, lifted him up and then slammed him face-first on the ground. All of the officers punched and kicked § 87(2)(b) all over his body. § 87(2)(b) was approximately 4 to 5 feet away when he observed this and continued to walk towards the group of officers, as he needed to continue down the block in order to make it to his residence. § 87(2)(b) also observed an unidentified uniformed officer push an older woman, identified via the investigation as § 87(2)(b) and tell her to “get the fuck out of here,” but he was unsure what § 87(2)(b) was doing when this happened. § 87(2)(b) could not articulate what happened between § 87(2)(b) and the officer any further. There were no other civilians on the street where § 87(2)(b) and the officers were. § 87(2)(b) indicated that there was a large group of unidentified civilians directly across the street observing this incident.

As § 87(2)(b) continued to walk down the block, he felt someone push him from behind, causing him to stumble. § 87(2)(b) turned around to see who pushed him and he observed an officer, PO1, whom he was unable to describe. PO1 said, “Get the fuck out of here,” and pushed § 87(2)(b) again. § 87(2)(b) did not comply and argued with the officer, saying that he wasn’t doing anything and asking the officer why he was pushing him. § 87(2)(b) stated in his initial phone statement that he was pushed by an officer who was

conducting crowd control. In his initial phone statement, § 87(2)(b) did not state that this officer used profane language as he conducted crowd control; instead, he said that the officer said, “keep it moving.”

Several unidentified police officers surrounded § 87(2)(b). § 87(2)(b) could not estimate how many officers surrounded him. § 87(2)(b) became frightened and tried to walk away. All of the officers that surrounded § 87(2)(b) started to “beat him up.” The officers hit § 87(2)(b) while he was standing. § 87(2)(b) could not articulate how he was hit. § 87(2)(b) heard an officer say, “Get him to the ground.” The officers pushed § 87(2)(b) face first to the ground.

Once on the ground, the officers started “pounding” on § 87(2)(b) by punching him repeatedly for approximately a minute or two. § 87(2)(b) kept his arms crossed on his chest. § 87(2)(b) heard an officer say, “Shut up. Fuck you.” One of the officers also hit § 87(2)(b) with an asp. Another officer, whom he could not see, kicked § 87(2)(b) once on the face. The kick made contact with the left and right sides of § 87(2)(b)’s face. An officer, identified via the investigation as Detective Joseph Aylward of the Emergency Service Unit, arrived on the scene with a taser in his hand. Detective Aylward said, “Clear,” and the officers that were surrounding § 87(2)(b) moved away. § 87(2)(b) felt the taser in his back and his body started to shake. During his initial phone statement, § 87(2)(b) claimed that he was tasered four times.

After § 87(2)(b) was tasered, the officers that were originally surrounding him started to “beat him up” again, but he could not articulate the force used against him. § 87(2)(b) was then handcuffed, picked up from the ground and placed in a marked police van. § 87(2)(b) identified the officer who walked him to the van by shield number, as PO Brandon Ravelo of Patrol Borough Bronx. § 87(2)(b) obtained his shield number by looking at it during the incident. PO Ravelo told § 87(2)(b) to “shut the fuck up,” as he was being walked to the van. § 87(2)(b) did not make any allegations against PO Ravelo during his initial phone statement. § 87(2)(b) explained that when he was walked to the van his shirt, pants and shoes were not on. § 87(2)(b) could not recall what happened with his clothing or at what point his clothes came off. § 87(2)(b) was given a white shirt at a later time.

Shortly thereafter, § 87(2)(b) and § 87(2)(b) were placed in the van. There were a total of three officers in the van; one was the operator, the second was seated in the front passenger seat and the third was seated in the middle of the van. PO Ravelo was one of the three officers in the van. PO Ravelo continually cursed at § 87(2)(b) in the van, but § 87(2)(b) could not recall the exact expletives. PO Ravelo also threatened to fight and punch § 87(2)(b) but § 87(2)(b) could not articulate this conversation any further, stating that he was “out of it.” They were then transported shortly thereafter to the stationhouse.

Once they arrived at the stationhouse and were removed from the van, one of officers punched § 87(2)(b). § 87(2)(b) could not provide any further details of this statement. Afterwards, they were placed in the holding cell, where he heard an officer tell § 87(2)(b) “You want to be tough? I’ll punch you again.” § 87(2)(b) could not articulate this any further. § 87(2)(b) did not make any of these allegations during his initial phone statement. EMS arrived at the stationhouse shortly thereafter and they examined § 87(2)(b) and learned that he was tasered. § 87(2)(b) was then transported to § 87(2)(b). During his initial phone statement, § 87(2)(b) claimed that he sustained facial fractures as a result of this incident.

**Complainant/Victim:** § 87(2)(b)

- § 87(2)(b) was § 87(2)(b) at the time of the incident. She is a black female who is 5’7” tall, weighs 173 pounds and has black hair and brown eyes.

**CCRB Statement**

§ 87(2)(b) was interviewed at the CCRB on March 4, 2011 (enc. C-2 – C-6). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

On the day of the incident, § 87(2)(b) was inside of her apartment, located at § 87(2)(b) in the Bronx, lying down on her bed when she heard a knock on her window. § 87(2)(b)’s son, § 87(2)(b) knocked on her window, asked her to come outside of the building and informed her that he was slapped by an officer. § 87(2)(b) immediately got up, left her apartment and exited the building.

Upon exiting the building, § 87(2)(b) observed two unidentified males, identified via the investigation as § 87(2)(b) and § 87(2)(b) who were handcuffed and lying down on piles of garbage bags on the sidewalk. Two unidentified plainclothes officers were standing near the unidentified males. § 87(2)(b) was several feet away and appeared to be “exchanging words” with unidentified officers. § 87(2)(b) asked § 87(2)(b) what happened and he explained that officers “beat up” § 87(2)(b) and § 87(2)(b). § 87(2)(b) also told § 87(2)(b) that he said something to the officers when they did this and he was slapped as a result. § 87(2)(b) learned after this incident that § 87(2)(b) told the officers, “What the fuck are you doing,” which precipitated the slap. § 87(2)(b) instructed § 87(2)(b) to calm down because he was very upset.

As this was happening, § 87(2)(b)'s unidentified daughter was unattended inside of his vehicle. Several marked RMPs and ESU trucks responded to the scene shortly thereafter. § 87(2)(b) panicked and ran a short distance across the street. § 87(2)(b) instructed § 87(2)(b) to stop, which he did. Approximately 7 to 9 unidentified uniformed police officers grabbed § 87(2)(b), pushed him to the ground and handcuffed him.

Initially, § 87(2)(b) stated that it took the officers 5 minutes to handcuff § 87(2)(b). However, § 87(2)(b) retracted her statement and said that § 87(2)(b) was immediately handcuffed and afterwards the officers started to punch and kick him repeatedly on his legs, back, head, face and arms. § 87(2)(b) was hit approximately 20-40 times. One of the officers brandished his asp and hit § 87(2)(b)'s leg with it. § 87(2)(b) indicated that § 87(2)(b) was hit more than once with the asp but she could not estimate how many times. § 87(2)(b) was about 10 feet away when she witnessed this. § 87(2)(b) did not resist or fight the officers at any point. § 87(2)(b) did not yell, scream or say anything as this was happening.

The officers who were hitting § 87(2)(b) stopped and approached an individual, identified via the investigation as § 87(2)(b) who was standing nearby. An officer, identified via the investigation as Detective Joseph Aylward of the Emergency Service Unit, tasered § 87(2)(b) and arrested him. § 87(2)(b) does not know § 87(2)(b) personally and was not sure what he did prior to getting tasered. § 87(2)(b) attempted the approach the officers who were nearby § 87(2)(b). An unidentified officer, pushed § 87(2)(b) and said, “Get the fuck out of here.” § 87(2)(b) became upset and left the scene.

§ 87(2)(b) went to the 47<sup>th</sup> Precinct Stationhouse shortly thereafter and spoke with the officer at the desk, who § 87(2)(b) identified by name as Sergeant Ebony Huntley of the 47<sup>th</sup> Precinct. § 87(2)(b) obtained Sergeant Huntley's name when she requested it from her. § 87(2)(b) requested information regarding § 87(2)(b)'s arrest and asked if he required medical attention. Sergeant Huntley did not give § 87(2)(b) any information with regards to § 87(2)(b)'s arrest. § 87(2)(b) persisted, demanding this information. Sergeant Huntley instructed § 87(2)(b) to leave or she would be arrested for trespassing. § 87(2)(b) did not comply and remained at the stationhouse for an additional 3 hours until someone spoke to her. § 87(2)(b) ultimately filed a complaint regarding this incident via telephone with IAB while at the stationhouse. § 87(2)(b) identified § 87(2)(b) and § 87(2)(b) as witnesses for this incident.

**Witness:** § 87(2)(b)

- § 87(2)(b)'s pedigree information is unknown.

**Attempts to Contact Civilian**

The investigator called § 87(2)(b) on March 25, 2011 and established contact with him. § 87(2)(b) provided a brief phone statement (summarized below) but refused to schedule an appointment at the time. § 87(2)(b) asked the investigator to call on a later date. A subsequent call was made on April 5, 2011. § 87(2)(b) scheduled an appointment for April 15, 2011. § 87(2)(b) missed his appointment and he did not call prior to cancel or reschedule. A missed appointment letter was mailed on the same day. A subsequent call was made on May 9, 2011; however, the call did not go through. A second letter was mailed to § 87(2)(b) on the same day. The letters were not returned to the CCRB. To date, the CCRB has been unable to obtain an official statement from § 87(2)(b).

§ 87(2)(b) provided the following phone statement on March 25, 2011 (enc. C-18):

On the day of the incident § 87(2)(b) was inside of § 87(2)(b)'s apartment when he heard a loud commotion outside. § 87(2)(b) and § 87(2)(b) identified via the investigation as § 87(2)(b) had gone to the bodega moments before. § 87(2)(b) went outside and observed unidentified officers "beating up" § 87(2)(b) and § 87(2)(b). An unidentified officer slapped § 87(2)(b) then ran off. § 87(2)(b)'s mother, § 87(2)(b) exited the building and witnessed what happened. Officers stopped § 87(2)(b) brought him to the ground and started to hit him. § 87(2)(b) was not handcuffed when the officers hit him. Officers pushed § 87(2)(b) out of the way when she tried to talk to the officers. § 87(2)(b) indicated that another individual was assaulted by officers, but he did not know who this person was and was unable to articulate what happened with this individual.

**Witness:** § 87(2)(b)

- § 87(2)(b)'s pedigree information is unknown.

**Attempts to Contact Civilian**

§ 87(2)(b) identified § 87(2)(b) as a witness for this incident and provided contact information for him. The investigator called § 87(2)(b) on March 25, 2011 and established contact with him. § 87(2)(b) provided a brief phone statement (summarized below) but refused to schedule an appointment at the time. § 87(2)(b) asked the investigator to call on a later date. A subsequent call was made on April 5, 2011. § 87(2)(b) refused to provide a statement to the CCRB, stating that he would first speak with § 87(2)(b) and § 87(2)(b) before deciding whether or not to proceed. § 87(2)(b) asked the investigator not to contact him via phone. A letter was mailed to § 87(2)(b) on May 9, 2011. The letter was not returned to the CCRB. To date, the CCRB has been unable to obtain an official statement from § 87(2)(b).

§ 87(2)(b) provided the following phone statement on March 25, 2011 (enc. C-19):

On the day of the incident he was inside of § 87(2)(b)'s apartment while § 87(2)(b) went to the bodega. Moments later § 87(2)(b) heard a commotion outside and heard someone yelling, "He hit me. He hit me." § 87(2)(b) and § 87(2)(b)'s mother, § 87(2)(b) exited the building and saw officers "beating up" § 87(2)(b) and other individuals.

**NYPD Statements**

**Subject Officer: PO PATRICK SULLIVAN (47<sup>th</sup> Precinct Detective Squad)**

- PO Sullivan was § 87(2)(b) old at the time of the incident. He is a white male who is 6'1" tall, weighs 185 pounds and has brown hair and brown eyes.
- On the day of the incident, PO Sullivan was assigned to the 47<sup>th</sup> Precinct Detective Squad. He worked in plainclothes from 8:00 a.m. on February 17, 2011 to 6:00 a.m. on February 18, 2011, with Detective Bonacarti.

**Criminal Complaint Report (UF61)**

§ 87(2)(a) 160.50

**Arrest Reports (OLBS)**

§ 87(2)(a) 160.50

§ 87(2)(a) 160.50

§ 87(2)(b) The arrest report also indicates that physical force was used against § 87(2)(b) but does not list the reason for the use of force.

§ 87(2)(a) 160.50

§ 87(2)(b) The arrest report also indicates that physical force was used against § 87(2)(b) to restrain, control and remove him.

### **Criminal Court Complaint**

§ 87(2)(a) 160.50

### **Memo Book**

PO Sullivan's memo book entries note verbatim that: "At 4:30 p.m., § 87(2)(b) (stabbing) with Detective Bonacarti. At 7:00 p.m., three under arrest at § 87(2)(b) (enc. D-42 – D-43)."

### **CCRB Testimony**

PO Patrick Sullivan was interviewed at the CCRB on November 15, 2011 (enc. D-44 – D-46). On February 17, 2011, PO Sullivan and Detective Bonacarti went to § 87(2)(b) in the Bronx to conduct a video canvass in connection with a prior stabbing. When they arrived at the large building complex, PO Sullivan and Detective Bonacarti went to the security booth and spoke to an unidentified female security guard. The security guard asked the officers if they were there to investigate a shooting that occurred an hour before their arrival. PO Sullivan and Detective Bonacarti explained that they did not know anything about any shooting and that they were there to investigate a stabbing. § 87(2)(b), § 87(2)(f)

§ 87(2)(b) She then offered to show them the video footage for the shooting.

While showing them the footage, the live feed was running. The security guard pointed to the live feed and pointed to the perpetrator, later identified as § 87(2)(b) who was exiting a building at the time. PO Sullivan and Detective Bonacarti were unsure of the exact location of § 87(2)(b) as it was a large building

complex, but they went in the direction the security guard sent them. While running towards the location, they encountered their supervisor, Sergeant Michael O'Rourke. PO Sullivan and Detective Bonacarti explained the situation to their supervisor. PO Sullivan and Detective Bonacarti observed § 87(2)(b) and another male, later identified as § 87(2)(b) standing in a courtyard, by the entrance of § 87(2)(b). Sergeant O'Rourke informed them that he would remain where he was, in the event § 87(2)(b) tried to flee. PO Sullivan and Detective Bonacarti then walked towards § 87(2)(b).

PO Sullivan made it to § 87(2)(b) first. Neither PO Sullivan nor Detective Bonacarti drew their guns. PO Sullivan and Detective Bonacarti identified themselves as police officers. PO Sullivan grabbed § 87(2)(b) by his shoulder, to ensure that he would not escape, instructed him not to move and identified himself as an officer. § 87(2)(b) had not noticed PO Sullivan until he had placed his hand on his shoulder. § 87(2)(b) immediately tried to move away from PO Sullivan. PO Sullivan could not see § 87(2)(b) hands, so he and Detective Bonacarti tried to bring him to the ground. § 87(2)(b) struggled with and resisted the officers. § 87(2)(b) came towards the officers, asking them what they were doing. The officers instructed § 87(2)(b) to get back, but he refused to comply. PO Sullivan pushed § 87(2)(b) back with one hand against his chest. Neither officer slapped § 87(2)(b) nor used profane language against him. § 87(2)(b) became upset when he was pushed and continued coming towards the officers. § 87(2)(b) said, "You can't touch him like that," and continually interfered with the arrest of § 87(2)(b). PO Sullivan and Detective Bonacarti pushed § 87(2)(b) and § 87(2)(b) against some nearby railing.

While PO Sullivan and Detective Bonacarti struggled with § 87(2)(b) and § 87(2)(b) a third individual, later identified as § 87(2)(b) approached the officers at this time, asking what they were doing and telling them that they "could not do that." The officers instructed § 87(2)(b) to get back but he refused to comply. § 87(2)(b) put up his fists in a fighting stance and said, "Alright guys, you want to do this?" Detective Bonacarti tried to grab § 87(2)(b) however, both § 87(2)(b) and § 87(2)(b) fled the location. Detective Bonacarti chased after them. PO Sullivan continued struggling with § 87(2)(b). PO Sullivan brought § 87(2)(b) to the ground and handcuffed him. Besides pushing him to the ground and pulling and grabbing his arms, PO Sullivan did not use any other type of force against § 87(2)(b).

Shortly thereafter, PO Sullivan heard Detective Bonacarti calling for help over the radio. PO Sullivan lifted § 87(2)(b) from the ground, placed him on his feet and made him jog with him towards Detective Bonacarti's location. When PO Sullivan arrived at Detective Bonacarti's location, he observed § 87(2)(b) leaned against a vehicle. Detective Bonacarti and Sergeant O'Rourke were attempting to handcuff § 87(2)(b) who was throwing punches at the officers and flailing his arms. PO Sullivan lay § 87(2)(b) nearby on top of some trash bags and assisted the officers.

§ 87(2)(b) continued to resist and struck all three officers with punches. All three officers tried to lift § 87(2)(b) to bring him to the ground but they had difficulty doing so. § 87(2)(b) tried to get up as they struggled with § 87(2)(b). PO Sullivan yelled, "Stay the fuck down," to § 87(2)(b). PO Sullivan tried to hold § 87(2)(b) down while trying to bring § 87(2)(b) to the ground. Detective Bonacarti went over the radio again, requesting assistance and asking where the additional units were. Ultimately, the officers pushed § 87(2)(b) to the ground.

PO Sullivan looked up and saw a crowd of 100 to 200 people that gathered to observe this incident. People started to throw things out of the window. § 87(2)(b) continued to resist by tucking his arms underneath him. The officers managed to pull one arm out from underneath § 87(2)(b) however, § 87(2)(b) refused to give up his arms. PO Sullivan punched § 87(2)(b) more than once in the abdomen area and it had no effect on him because he continued to resist. PO Sullivan could not recall how many times he punched § 87(2)(b). PO Sullivan lay on top of § 87(2)(b) tired from the ongoing struggle with him. The officers wrestled with § 87(2)(b) for about 5 minutes before unidentified uniformed officers arrived to assist. When the additional units arrived, the uniformed officers assisted in handcuffing § 87(2)(b). None of the officers used profane language against § 87(2)(b). PO Sullivan did not observe any officers punching or kicking § 87(2)(b). Unidentified officers took § 87(2)(b) and § 87(2)(b) and placed them in a nearby marked police van. PO Sullivan and Detective Bonacarti immediately left the scene and sought medical treatment at § 87(2)(b). PO Sullivan did not witness nor was he otherwise involved in the apprehension of § 87(2)(b) or § 87(2)(b).

When PO Sullivan and Detective Bonacarti returned to the stationhouse, PO Sullivan processed the arrests and took the arrestees to Bronx Central Booking. PO Sullivan learned at the stationhouse that § 87(2)(b) was another one of the individuals arrested in connection with this incident. PO Sullivan did not see § 87(2)(b) on the scene but had seen him prior to this incident. PO Sullivan had spoken with § 87(2)(b) at the stationhouse in connection with the stabbing investigation. None of the arrestees made any statements or complaints with regards to this incident.

**Subject Officer: DETECTIVE DAVID BONACARTI (47<sup>th</sup> Precinct Detective Squad)**

- Detective Bonacarti was § 87(2)(b) old at the time of the incident. He is a white male who is 5'9" tall, weighs 220 pounds, has salt and pepper hair and brown eyes.
- On the day of the incident, Detective Bonacarti was assigned to the 47<sup>th</sup> Precinct Detective Squad. He worked in plainclothes from 8:00 a.m. on February 17, 2011 to 4:30 a.m. on February 18, 2011, with PO Sullivan.

**Memo Book**

Detective Bonacarti's memo book entries note verbatim that: "At 3:55 p.m., 10-98 (resuming patrol) with Sergeant O'Rourke and PO Sullivan to § 87(2)(b) regarding stabbing. At 7:00 p.m., 10-92 x 3(3 under arrest) by PO Sullivan at § 87(2)(b) (enc. D-51 – D-52)."

**CCRB Testimony**

Detective David Bonacarti was interviewed at the CCRB on December 15, 2011 (enc. D-53 – D-55).

§ 87(2)(g)

Detective Bonacarti pointed his gun at § 87(2)(b). Detective Bonacarti could not recall if PO Sullivan drew his gun. Detective Bonacarti approached § 87(2)(b) and with his shield displayed on his outermost garment he instructed § 87(2)(b) to not move. § 87(2)(b) turned to face Detective Bonacarti with his hands raised. § 87(2)(b) did not resist. PO Sullivan brought § 87(2)(b) to the ground and Detective Bonacarti handcuffed him. Detective Bonacarti then attempted to search § 87(2)(b) however, § 87(2)(b) got in between them and started cursing and asking what was going on. PO Sullivan grabbed § 87(2)(b) and moved him away from them. While PO Sullivan dealt with § 87(2)(b) Detective Bonacarti lifted § 87(2)(b) from the ground and searched him for a gun.

As this was happening, a third individual, later identified as § 87(2)(b) approached and pushed Detective Bonacarti, asking him "what the fuck he was doing." Detective Bonacarti held onto § 87(2)(b) by his belt as § 87(2)(b) got very close to Detective Bonacarti's face. § 87(2)(b) yelled and cursed while standing very close to Detective Bonacarti. Detective Bonacarti instructed § 87(2)(b) multiple times to get back. § 87(2)(b) said, "What the fuck are you going to do? Are you going to punch me in the fucking face? Punch me in the fucking face. Go ahead." Detective Bonacarti pushed § 87(2)(b) but he refused to get back. Detective Bonacarti possibly told § 87(2)(b) to "get the fuck back." § 87(2)(b) still did not comply. § 87(2)(b) then turned to leave the courtyard and said, "Alright. I got this. I'll be back." Detective Bonacarti went over the radio to alert Sergeant O'Rourke.

§ 87(2)(b) walked out of the area and when he was nearly out of the courtyard, he turned to face Detective Bonacarti and raised his hand. Since it was dark and § 87(2)(b) was some distance away, Detective Bonacarti was unable to see if § 87(2)(b) had something in his hand. Sergeant O'Rourke approached § 87(2)(b) from behind and grabbed him in a bear hug. Sergeant O'Rourke then placed § 87(2)(b) against a nearby parked vehicle. Detective Bonacarti lay § 87(2)(b) on the ground. PO Sullivan walked over to grab § 87(2)(b) and Detective Bonacarti ran out of the courtyard to assist Sergeant O'Rourke.

§ 87(2)(b) fought with Sergeant O'Rourke by elbowing him and trying to turn around to face him. Detective Bonacarti attempted to assist Sergeant O'Rourke; however, he did not have a pair of handcuffs that he could use on § 87(2)(b) because he used his handcuffs on § 87(2)(b). Detective Bonacarti grabbed § 87(2)(b).

§ 87(2)(b) by his arms and shirt. PO Sullivan walked over with § 87(2)(b) § 87(2)(b) continued to resist and he and the officers fell to the ground. § 87(2)(b) continued to resist while on the ground by screaming, cursing, kicking and flailing. A crowd of approximately 50 to 100 people gathered to witness this incident. Detective Bonacarti went over the radio to request assistance.

Shortly thereafter, several units, including ESU, arrived on the scene. Detective Bonacarti alerted a uniformed officer to come and assist. With the assistance of the unidentified uniformed officer they were finally able to handcuff § 87(2)(b). None of the officers punched or kicked § 87(2)(b) at any point during this incident. None of the officers stepped into the handcuffs. None of the officers punched § 87(2)(b). None of the officers used profane language towards the arrestees. § 87(2)(b) and § 87(2)(b) were placed in a marked van. Detective Bonacarti was unable to identify any of the officers who responded to the call for assistance. Detective Bonacarti sought medical for some contusions and swelling. Detective Bonacarti did not participate in nor witness the arrests of § 87(2)(b) and § 87(2)(b). Detective Bonacarti was unaware of any family members attempting to become involved in this incident. When Detective Bonacarti returned to the stationhouse, he learned then that § 87(2)(b) and § 87(2)(b) were also arrested in connection with this incident.

**Witness Officer: SERGEANT MICHAEL O’ROURKE (47<sup>th</sup> Precinct Detective Squad)**

- *Sergeant O’Rourke was § 87(2)(b) old at the time of the incident. He is a white male who is 5’ 8” tall, weighs 220 pounds, is bald and has blue eyes.*
- *On the day of the incident, Sergeant O’Rourke was assigned to the 47<sup>th</sup> Precinct Detective Squad. He worked in plainclothes from 4:45 p.m. on February 17, 2011 to 4:15 a.m. on February 18, 2011, with PO Sullivan and Detective Bonacarti.*

**Memo Book**

Sergeant O’Rourke’s memo book entries note verbatim that: “At 4:00 p.m., 10-34 (assault in progress) male stabbed at § 87(2)(b). Likely. At 7:00 p.m., pick up shots fired at § 87(2)(b). § 87(2)(b) Assaulted. Line of duty prepared (enc. D-65 – D-66).”

**CCRB Testimony**

Sergeant Michael O’Rourke was interviewed at the CCRB on March 28, 2012 (enc. D-67 – D-69).

§ 87(2)(g)

After being advised that § 87(2)(b) had discharged a firearm, the officers returned to their vehicle, which was a few blocks away and drove to § 87(2)(b) location. The officers observed § 87(2)(b) walking through a walkway. The officers quickly discussed a tactical plan, which was as follows: Sergeant O’Rourke was going to drop off PO Sullivan and Detective Bonacarti at the location while he went around in their vehicle to the other side to provide backup in the event § 87(2)(b) attempted to flee. Sergeant O’Rourke dropped off his officers and went to the other side. After a short while, Sergeant O’Rourke did not see § 87(2)(b) or his officers. Sergeant O’Rourke heard something quick over the radio, as if someone were trying to request assistance. Sergeant O’Rourke then returned to the location where he had dropped his officers off.

Upon returning to the location, Sergeant O’Rourke heard lots of yelling. Sergeant O’Rourke observed an individual, later identified as § 87(2)(b) pointing in the direction of and cursing at Detective Bonacarti. It seemed as if § 87(2)(b) had a weapon; however, Sergeant O’Rourke could not see if § 87(2)(b) was holding anything because it was dark. Detective Bonacarti was stuck between going to deal with § 87(2)(b) and helping PO Sullivan. Sergeant O’Rourke could not see PO Sullivan at this time. When Detective Bonacarti saw Sergeant O’Rourke, he asked Sergeant O’Rourke to grab § 87(2)(b).

Sergeant O’Rourke approached § 87(2)(b) identified himself as an officer and instructed him to turn around. When § 87(2)(b) turned to face Sergeant O’Rourke, he clenched his fists and got into a fighting stance. Sergeant O’Rourke was surprised when he saw § 87(2)(b) get into the fighting stance and was nervous because he still didn’t know if § 87(2)(b) had a weapon and because § 87(2)(b) was a much larger than Sergeant



O'Rourke. Sergeant O'Rourke grabbed § 87(2)(b) before he could start swinging and pushed him face first against the hood of a nearby vehicle. § 87(2)(b) threw his elbow back and struck Sergeant O'Rourke on the face, causing a contusion. Sergeant O'Rourke instructed § 87(2)(b) multiple times to stop fighting and to put his hands behind his back, but he did not comply. Sergeant O'Rourke tried to hold onto § 87(2)(b) until Detective Bonacarti could come over to assist him.

Detective Bonacarti came over shortly thereafter and assisted Sergeant O'Rourke. PO Sullivan also came over, with § 87(2)(b) who was handcuffed. Only Detective Bonacarti assisted Sergeant O'Rourke while PO Sullivan held onto § 87(2)(b). As they tried to handcuff § 87(2)(b) who was repeatedly cursing and yelling, a crowd of 150 to 200 people gathered. Sergeant O'Rourke went over the radio twice to request assistance. Another individual, identified via the investigation as § 87(2)(b) approached the officers, taunted them and swung at them. § 87(2)(b) never struck any of the officers when he swung at them. § 87(2)(b) would taunt and swing at the officers, then run off and return to do the same all over again. An unidentified older female approached, called out to § 87(2)(b) and ask him to stop, but he would not. A photograph of § 87(2)(b) was shown to Sergeant O'Rourke but he could not recall if she was the older female he was referring to. Sergeant O'Rourke believed that § 87(2)(b) wanted the officers to chase after him, so that he could split them up. Sergeant O'Rourke instructed his officers to not go after § 87(2)(b). Sergeant O'Rourke and Detective Bonacarti handcuffed § 87(2)(b) and then placed him and § 87(2)(b) on the ground as a safety precaution, since they were surrounded by a large crowd. None of the officers punch or kicked § 87(2)(b). Shortly thereafter, unidentified officers from the 47<sup>th</sup> and 49<sup>th</sup> Precincts arrived on the scene.

Unidentified uniformed officers approached and asked Sergeant O'Rourke if there was anyone else he wanted under arrest. Sergeant O'Rourke pointed to § 87(2)(b) who then attempted to flee. § 87(2)(b) was ultimately apprehended by unidentified officers. Sergeant O'Rourke did not witness the apprehension of § 87(2)(b) or of § 87(2)(b). Sergeant O'Rourke could not recall who placed § 87(2)(b) and § 87(2)(b) into the police vehicle. Sergeant O'Rourke left the scene and went to § 87(2)(b). Sergeant O'Rourke sustained contusions to his face and a sprained right wrist.

**Subject Officer: PO BRANDON RAVELO (Patrol Borough Bronx)**

- PO Ravelo was § 87(2)(b) old at the time of the incident. He is a Hispanic male who is 5'8" tall, weighs 200 pounds and has black hair and brown eyes.
- On the day of the incident, PO Ravelo was assigned to Operation Impact within the confines of the 47<sup>th</sup> Precinct. He worked in uniform from 2:00 p.m. to 10:35 p.m., with PO Carlos Perez.

**Criminal Complaint Report (UF61) and Arrest Report (OLBS)**

§ 87(2)(a) 160.50

§ 87(2)(b) The arrest report indicates that physical force was used against § 87(2)(b) to overcome assault.

**Memo Book**

PO Ravelo's memo book entries note verbatim that: "At 7:00 p.m., 10-84 (arrived at scene), 10-85 (need additional unit), squad at § 87(2)(b) At 7:02 p.m., transport 4 males (enc. D-20 – D-22)."

**CCRB Testimony**

PO Brandon Ravelo was interviewed at the CCRB on September 7, 2011 (enc. D-23 – D-25). On February 17, 2011, PO Ravelo and PO Perez responded to a request for police assistance in the vicinity of § 87(2)(b) in the Bronx. When they arrived, PO Ravelo observed a crowd of at least 150 civilians. There were several detectives and at least 4 to 5 units of unidentified uniformed officers. The

detectives were attempting to arrest 2 to 3 individuals when PO Ravelo arrived on the scene. The detectives had 1 or 2 individuals on the ground and were attempting to handcuff them. The detectives pointed to a nearby individual in a yellow shirt who was running away from the scene. PO Ravelo viewed all of the arrest photos for this incident and initially could only remember § 87(2)(b) as the individual he dealt with at a later point in this incident. PO Ravelo stated that § 87(2)(b) was possibly the male who was fleeing the scene.

The individuals who were on the ground, identified via the investigation as § 87(2)(b) and § 87(2)(b) resisted the detectives who were attempting to arrest them by kicking and flailing their arms. The detectives pulled and grabbed their arms in an attempt to handcuff them. Several unidentified uniformed officers and PO Ravelo ran after § 87(2)(b) ran for about half a block before the officers who were running ahead of PO Ravelo grabbed § 87(2)(b) by his shirt and brought him to the ground.

While § 87(2)(b) was on the ground, he kicked and flailed his arms. § 87(2)(b) attempted to get up and flee again. All of the officers grabbed and pulled on § 87(2)(b)'s arms in an attempt to handcuff him. PO Ravelo assisted by pulling § 87(2)(b)'s arms. Besides pulling and grabbing § 87(2)(b)'s arms, PO Ravelo did not use any other force against § 87(2)(b). PO Ravelo did not strike § 87(2)(b) with an asp nor did he observe an officer do this. PO Ravelo did not see an officer slap, punch or kick § 87(2)(b) or otherwise point guns at him. A crowd gathered around the officers during the course of § 87(2)(b)'s arrest. PO Ravelo stopped assisting the officers and turned to conduct crowd control. When PO Ravelo turned to deal with the crowd, the officers were still struggling with § 87(2)(b) who would not allow the officers to handcuff him. PO Ravelo did not observe an officer step into § 87(2)(b)'s handcuffs.

While conducting crowd control, an individual, later identified as § 87(2)(b) approached, saying, "That's my man. You can't do that." PO Ravelo instructed § 87(2)(b) multiple times to get back but he did not comply. PO Ravelo pushed § 87(2)(b) with two hands against his chest, but still he would not comply. PO Ravelo brandished his baton to see if § 87(2)(b) would back away; instead, § 87(2)(b) removed his shirt and put up his fists. PO Ravelo put his baton away at this time.

Several uniformed officers, including PO Ravelo and PO Perez, attempted to arrest § 87(2)(b). PO Ravelo pushed § 87(2)(b) against a fence and pinned him against it as § 87(2)(b) flailed and tried to punch and kick the officers. § 87(2)(b) cursed at the officers, calling them "fucking pigs." The officers grabbed and pulled on § 87(2)(b)'s arms but were unable to overcome his resistance. An ESU officer, identified via the investigation as Detective Joseph Aylward, approached and instructed § 87(2)(b) multiple times to stop resisting or he would be tasered. § 87(2)(b) did not comply. Detective Aylward instructed the officers to step aside, at which point he tasered § 87(2)(b). Once tasered, the officers were able to subdue § 87(2)(b) and handcuff him. None of the officers used any force against § 87(2)(b) besides grabbing and pulling his arms, after he was tasered and in handcuffs. None of the officers kicked § 87(2)(b) in the face, punched him or otherwise strike him with an asp. PO Ravelo did not use any profane language at any point during this incident nor did he hear any officers using profane language towards any of the arrestees.

§ 87(2)(b) was placed in the marked van PO Ravelo was assigned to. There was possibly one more arrestee in the van when § 87(2)(b) was placed inside. § 87(2)(b) refused to be placed in the van by kicking and refusing to walk on his own. PO Ravelo mainly interacted with § 87(2)(b) during this incident. At the conclusion of this incident, PO Ravelo transported 4 arrestees to the stationhouse. All 4 arrestees offered resistance when they were removed from the van. Unidentified officers from within the stationhouse assisted in bringing the arrestees into the stationhouse. No force was used against § 87(2)(b) when he was walked into the stationhouse. § 87(2)(b) was never slammed against a door or pushed to the ground. None of the officers punched or kicked § 87(2)(b). PO Ravelo did not threaten § 87(2)(b) with the use of force nor did he call him a "pussy." PO Ravelo could not recall placing any of the arrestees in the holding cells. PO Ravelo could not recall cutting § 87(2)(b)'s belt or ripping his hood. While processing the arrest paperwork, a female, identified via the investigation as § 87(2)(b) went to the stationhouse and spoke with PO Ravelo. § 87(2)(b) was upset and PO Ravelo explained to her that he did not know what exactly happened prior to his arrival on the scene. PO Ravelo did not encounter § 87(2)(b) on the scene nor did he see an officer push her.

**Witness Officer: PO DONALD FORD (47<sup>th</sup> Precinct)**

- *PO Ford was § 87(2)(b) old at the time of the incident. He is a white male who is 6'3" tall, weighs 210 pounds and has dark blonde hair and blue eyes.*
- *On the day of the incident, PO Ford was assigned to patrol sectors A/C/D within the confines of the 47<sup>th</sup> Precinct. He worked in uniform from 3:00 p.m. to 11:35 p.m., with PO Fleming.*

**Memo Book**

PO Ford did not have any memo book entries pertaining to this incident (enc. D-56 – D-58).

**CCRB Testimony**

PO Donald Ford was interviewed at the CCRB on February 2, 2012 (enc. D-59 – D-60). On February 17, 2011, PO Ford was inside of the 47<sup>th</sup> Precinct stationhouse processing paperwork with regards to a stabbing that occurred within the vicinity of § 87(2)(b) in the Bronx. PO Fleming remained at the crime scene. While in the stationhouse, a call for assistance went over the radio for § 87(2)(b). PO Ford does not know who called the 10-85. PO Ford left the stationhouse and responded to the aforesaid location alone.

When PO Ford arrived on the scene he observed approximately a dozen unidentified police officers in both uniform and plainclothes, none of whom he could identify. ESU officers were also on the scene. PO Ford observed approximately 4 to 5 officers attempting to place an individual under arrest. The officers seemed to be struggling with this individual, who was already on the ground when PO Ford arrived on the scene. PO Ford could not see this individual clearly, as he was surrounded by the officers, and was unable to provide a description for him. PO Ford heard the officers yell multiple times, "Stop resisting." PO Ford did not see this struggle unfold because he immediately turned to face the crowd of 2 to 3 dozen people that had gathered around the officers and conducted crowd control. The crowd did not physically involve themselves, but they yelled and screamed. PO Ford kept his focus on the crowd and did not see if force was used against the individual who was on the ground.

PO Ford ordered the crowd to "get back" but he did not use any profane language at any point. PO Ford did not hear any officers using profane language towards any civilians. PO Ford could not distinguish what anyone was saying due to all the commotion. PO Ford conducted crowd control for approximately 5 minutes, at which time the apprehended individual was placed in handcuffs and placed in one of the many RMPs on the scene. PO Ford was not aware of any other struggle. Once the prisoner was secured, PO Ford immediately left the scene and returned to the stationhouse to finish his paperwork. PO Ford was at the location for a total of 10 minutes and did not have any physical interactions with any of the arrested individuals.

**Subject Officer: DETECTIVE JOSEPH AYLWARD (Emergency Service Unit)**

- *Detective Aylward is a § 87(2)(b)-old white male who is 5' 9" tall, weighs 170 pounds and has salt and pepper hair and brown eyes.*
- *On the day of the incident, Detective Aylward was assigned to Emergency Service Unit truck number 3. He worked in uniform from 3:15 p.m. to 11:50 p.m., with Detective Carlos Linares.*

**Emergency Service Unit – ESD2 and Less Lethal/Conducted Energy Device (CED) Reports**

Detective Aylward prepared the ESD2 and Less Lethal/CED reports, which state (enc. D-1 – D-4), "Crew responded to 10-13. Upon arrival, did observe several 47 Precinct officers actively fighting with perpetrator, attempting to place him in custody. ESU officer gave warning and discharged CED. Both darts missed upon initial deployment. Perpetrator increased resistance, charging towards and wrestling with discharging officer. During the struggle, ESU officer did touch stun perpetrator, which stopped resistance. Perpetrator was handcuffed by precinct officers and removed by marked van to the 47<sup>th</sup> Precinct."

**Memo Book**

Detective Aylward's memo book notes verbatim that: "At 6:54 p.m., 10-13 (assist police officer) at § 87(2)(b) (enc. D-5 – D-6)."

### **CCRB Testimony**

Detective Joseph Aylward was interviewed at the CCRB on June 24, 2011 (enc. D-7 – D-9). On February 17, 2011, Detective Aylward and Detective Linares responded to an immediate request for police assistance at § 87(2)(b) in the Bronx. Detective Aylward could not remember any specific details about the call other than officers screaming on the radio. When they arrived and exited the truck, Detective Aylward observed a melee involving civilians and officers fighting each other. The civilians outnumbered the officers as there were approximately more than 20 civilians and approximately more than 10 officers. Detective Aylward was unable to give a more exact number as to how many civilians and officers were on the scene. There were both uniformed and plainclothes officers on the scene. Detective Aylward described the scene as utterly chaotic. Detective Aylward observed several individuals being placed under arrest. Detective Aylward first noticed one civilian kicking officers while they attempted to handcuff him. The arrest photographs of all four arrestees were shown to Detective Aylward but he could not recall which of the four was the one who was kicking at the officers; however, he was certain it was not § 87(2)(b). Detective Aylward and Detective Linares went to the back of their truck to get their gear, such as a restraining bag and a taser.

While they were getting their gear, Detective Aylward observed a uniformed officer, who was approximately 50 feet away, "flying" over a vehicle. Detective Aylward was unsure who did this or what caused this and indicated that there were many things happening at the same time. Detective Aylward and Detective Linares conferred quickly about what course of action to take. Detective Linares asked Detective Aylward to help out the group of officers that were attempting to arrest a young Black male, who was later identified as § 87(2)(b) while Detective Linares went to deal with the situation involving the officer who "flew" over a vehicle.

Detective Aylward approached the area in which § 87(2)(b) was located. Detective Aylward observed approximately 6 officers, both uniformed and in plainclothes, attempting to arrest § 87(2)(b) but they were unable to get him under control. § 87(2)(b) violently flailed his arms every time an officer attempted to grab him. § 87(2)(b) was yelling, "Fuck you. You're not taking me." The officers pushed § 87(2)(b) against a chain-link fence, at which time he latched on. The officers were unable to get him to release his grip on the fence. The force the officers used involved grabbing and pulling of § 87(2)(b)'s arms and nothing else. Detective Aylward approached and informed the officers that he has a taser. § 87(2)(b) then released his grip on the fence and started to flail his arms again. Detective Aylward said to the officers, "Taser. Taser. Taser." Detective Aylward then deployed the taser, but it was ineffective because only one dart hit § 87(2)(b) and the second hit an officer. Detective Aylward repositioned the taser for another cartridge. § 87(2)(b) ran towards Detective Aylward and grabbed him. Detective Aylward grabbed § 87(2)(b) by the arms and both struggled with each other. Detective Aylward managed to push § 87(2)(b) to the ground. Detective Aylward fell with § 87(2)(b) landing on top of him. § 87(2)(b) continued to struggle by moving his body around. Detective Aylward managed to taser § 87(2)(b) on the shoulder. § 87(2)(b) then stopped struggling. Detective Aylward called to the officers, asking them to get a pair of handcuffs ready. An unidentified officer approached and easily handcuffed § 87(2)(b).

Once § 87(2)(b) was handcuffed and secured, Detective Aylward left the scene with his partner. Detective Aylward was unaware of what Detective Linares did while on the scene. Detective Aylward's focus remained entirely on the struggle with § 87(2)(b) and so he was unaware of what happened with any of the other arrestees. Detective Aylward did not hear any officers using profane language at any point. Detective Aylward was only on the scene for approximately 10 minutes. Detective Aylward and Detective Linares went to the 47<sup>th</sup> Precinct Stationhouse immediately after the incident. Detective Aylward interviewed § 87(2)(b) and examined him for injuries, as he is also an EMT. § 87(2)(b) was calm at the stationhouse and he did not make any complaints. Detective Aylward observed no injuries on § 87(2)(b) however, as procedure, he requested medical attention for him, since he had been tasered. § 87(2)(b) was transported to § 87(2)(b).

**Witness Officer: DETECTIVE CARLOS LINARES (Emergency Service Unit)**

- Detective Linares was § 87(2)(b) old at the time of the incident. He is a Hispanic male who is 5'10" tall, weighs 200 pounds and has black hair and brown eyes.
- On the day of the incident, Detective Linares was assigned to Emergency Service Unit truck number 3. He worked in uniform from 3:15 p.m. to 11:50 p.m., with Detective Joseph Aylward.

**Memo Book**

Detective Linares' memo book entries note verbatim that: "At 6:56 p.m., § 87(2)(b) 10-13 (assist police officer), respond to radio run number § 87(2)(b) (enc. D-10 – D-11)."

**CCRB Testimony**

Detective Carlos Linares was interviewed at the CCRB on September 7, 2011 (enc. D-12 – D-14).

§ 87(2)(g)

When they arrived on the scene, Detective Linares observed a chaotic scene - the sidewalk and street were filled with civilians and police officers. Detective Linares observed various skirmishes between the police and civilians – there were clusters of fights in different parts of the street. The entire sidewalk was filled with more than 20 civilians who were screaming and yelling and the street was filled with even more civilians. There were at least two dozen officers already on the scene, most of which were uniformed. Detective Linares observed officers pushing and grabbing civilians.

Detective Linares and Detective Aylward exited their vehicle and walked towards the chaotic scene, as they were unable to drive any further into the block. Detective Linares brought a taser with him. A group of unidentified uniformed officers approached Detective Linares and Detective Aylward with a tall, slim, Black male in custody. Detective Linares viewed the arrest photographs for this incident and stated that this male was possibly § 87(2)(b) § 87(2)(b) continued to resist the officers while he was in handcuffs by thrashing his body, moving his shoulders from side to side, kicking and trying to head-butt the officers. § 87(2)(b) yelled, "Get off me," and complained that the handcuffs were too tight. The unidentified officers handed § 87(2)(b) to Detective Linares. Detective Linares assumed that the officers wanted § 87(2)(b) placed in a restraining bag, so he instructed the officers to place § 87(2)(b) on the ground, which they did.

Detective Linares knelt on the ground and placed a hand on § 87(2)(b) back. Detective Linares told § 87(2)(b) that "it was over" and he finally stopped moving. § 87(2)(b) continued to yell and complain that the handcuffs were too tight. Detective Linares told § 87(2)(b) that the handcuffs would be loosened at a later time. § 87(2)(b) then stopped yelling. The officers who brought § 87(2)(b) over returned to the chaotic scene before Detective Linares could get any information from them. Detective Linares tucked the taser into his shirt and remained kneeling on the ground holding § 87(2)(b). Another unidentified group of officers approached and told them that there was a large skirmish in the middle of the street. Detective Linares gave the taser to Detective Aylward, who left with the group of unidentified officers. The large skirmish was approximately 7 car lengths away. Detective Linares lost sight of his partner and the officers due to the distance, the fact that it was dark and that he was kneeling on the ground with parked vehicles around him that restricted his vantage point. Additionally, Detective Linares had to keep focus on § 87(2)(b) while occasionally looking over his shoulder.

Approximately 15 to 20 seconds later, Detective Linares observed a group of unidentified officers walking towards a nearby marked police van with a male, identified via the investigation as § 87(2)(b). Detective Aylward trailed behind the group of officers with the taser dart wires in hand. Detective Linares then realized that § 87(2)(b) had been tasered. Detective Linares could not recall if § 87(2)(b) was shirtless. § 87(2)(b) continued to offer resistance by moving his body as the officers tried to walk him to and place him in the

van. Detective Linares waved over some officers and instructed them to take custody of § 87(2)(b) who was compliant.

Detective Linares approached Detective Aylward, who informed him that he had to taser § 87(2)(b). Detective Aylward gave the taser cartridge to an unidentified officer for vouchering. Detective Linares only observed § 87(2)(b) and § 87(2)(b) in the marked police van. Detective Linares did not witness the apprehensions of any of the arrestees involved in this incident. Detective Linares did not observe officers punching, kicking, smacking or otherwise striking any arrestees with an asp. Detective Linares did not hear any officers use obscene language. Detective Linares was not involved in any of the apprehensions during this incident. Detective Linares and Detective Aylward returned to their vehicle and left the scene.

Detective Linares and Detective Aylward went to the stationhouse to obtain the serial number for the taser cartridge. After noting the serial number, Detective Linares and Detective Aylward left the location. Detective Linares did not witness officers using force against any of the arrestees at the stationhouse.

**Witness Officer: LIEUTENANT STEVEN MALLOY (Patrol Borough Bronx)**

- *Lieutenant Malloy was § 87(2)(b) old at the time of the incident. He is a white male who 6'0" tall, weighs 210 pounds and has red hair and brown eyes.*
- *On the day of the incident, Lieutenant Malloy was the impact supervisor at the 47<sup>th</sup> Precinct. He worked in uniform from 2:00 p.m. to 10:45 p.m., with Sergeant William Flaherty.*

**Memo Book**

Lieutenant Malloy's memo book notes verbatim that: "At 6:50 p.m., respond to 10-85 (need additional unit) at § 87(2)(b) (enc. D-47 – D-48)."

**CCRB Testimony**

Lieutenant Steven Malloy was interviewed at the CCRB on November 16, 2011 (enc. D-49 – D-50). On February 17, 2011, there was a stabbing and a robbery in the vicinity Boston Road and East 214<sup>th</sup> Street in the Bronx. The 47<sup>th</sup> Precinct Detective Squad called Lieutenant Malloy to the scene and asked him to have one of his officers guard the crime scene. Lieutenant Malloy left the scene shortly thereafter.

Sometime thereafter, a call for assistance went over the radio. Lieutenant Malloy responded to the scene. Lieutenant Malloy stated that there were dozens of officers and approximately 100 civilians at the location, screaming and yelling. Lieutenant Malloy described the scene as chaotic and confusing. Lieutenant Malloy observed two individuals in police custody already in a marked police van and a third being walked over to the van. Lieutenant Malloy approached an officer from the 47<sup>th</sup> Precinct Detective Squad and asked if there was any other individual they were looking for. The unidentified officer informed Lieutenant Malloy that they were done. Lieutenant Malloy instructed all of his officers to go leave the scene, as the situation was escalating and he feared a riot. Lieutenant Malloy did not assist in the arrests of any of the individuals involved in this incident. Lieutenant Malloy did not have any interactions with the arrestees. Lieutenant Malloy was on the scene for approximately 2 to 3 minutes. Once instructing his officers to leave, Lieutenant Malloy left the scene. Lieutenant Malloy did not observe any officers using profane language and he did not use profane language against any civilian at any point during this incident. Lieutenant Malloy was unable to identify any of the officers present on the scene. Lieutenant Malloy indicated that multiple commands responded to the call for assistance. Lieutenant Malloy stated that he observed an ESU truck on the scene, but he did not see the ESU officers.

**Witness Officer: SERGEANT WILLIAM FLAHERTY (Patrol Borough Bronx)**

- *Sergeant Flaherty was § 87(2)(b) old at the time of the incident. He is a white male who is 5'9" tall, weighs 200 pounds and has brown hair and hazel eyes.*
- *On the day of the incident, Sergeant Flaherty was the impact supervisor at the 47<sup>th</sup> Precinct. He worked in uniform from 2:00 p.m. to 10:57 p.m., with Lieutenant Malloy.*

### Memo Book

Sergeant Flaherty's memo book notes verbatim that: "At 6:50 p.m., 10-13(assist police officer) § 87(2)(b) enc. D-61 – D-62)." [REDACTED]

### CCRB Testimony

Sergeant William Flaherty was interviewed at the CCRB on February 9, 2012 (enc. D-63 – D-64). Sergeant Flaherty's statement was entirely consistent with that of Lieutenant Malloy's. There were no additions or exceptions.

### Officers Not Interviewed

§ 87(2)(g) [REDACTED]  
[REDACTED]

### Medical Records

- § 87(2)(b) was treated at § 87(2)(b) (enc. E-1 – E-22). His chief complaint was facial pain. The diagnosis was scratches to his right forearm and bilateral abrasions to his hands. The medical records also revealed that § 87(2)(b) had old left-sided orbitomaxillary (facial/orbital and jaw) fractures and that there was no evidence of a new fracture. § 87(2)(b) was prescribed Afrin (nasal spray). The medical records revealed no dislocations, additional fractures or any other physical injuries.
- § 87(2)(b) was treated at § 87(2)(b) (enc. E-23 – E-41). His chief complaint was body pain. The diagnosis was abrasions to his right cheek, right anterior tibia (front right leg) and right lateral ribs, for which he was prescribed 800mg of Motrin. The medical records revealed no dislocations, fractures or any other physical injuries.
- § 87(2)(b) was treated at § 87(2)(b) (enc. E-42 – E-63). His chief complaint was body aches. The diagnosis an abrasion to the right clavicle (collarbone), a fracture to tooth # 14 (enc. E-55) and ecchymosis (ruptured blood vessel) to the right wrist, for which he was prescribed 800mg of Motrin. The medical records revealed no dislocations, additional fractures or any other physical injuries.

### NYPD Documents

#### 47<sup>th</sup> Precinct Command Log

According to the command log for February 17, 2011 (enc. F-22), § 87(2)(b) and § 87(2)(b) were lodged into the stationhouse at 7:10 p.m. § 87(2)(b)'s physical and mental conditions were listed as swelling to the face. § 87(2)(b)'s physical and mental conditions were listed as injured lip. § 87(2)(b)'s physical and mental conditions were listed as apparently normal. § 87(2)(b)'s physical and mental conditions were listed as tasered with touch stun by ESU.

### SPRINT

SPRINT number § 87(2)(b) (enc. F-16 – F-19) lists members of the 47<sup>th</sup> Precinct Detective Squad requesting an additional unit at 6:54 p.m. At 7:00 p.m., ESU truck number 3 arrived on the scene. At 7:03 p.m., four males were under arrest.

### Disposition of Arrests for Incident

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Criminal Conviction History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **CCRB History of Civilians**

- § 87(2)(b) and § 87(2)(b) have not filed a CCRB complaint prior to this incident (enc. A-6 – A-10).

### **CCRB History of Subject Officers**

- PO Sullivan has had 3 substantiated allegations at the CCRB in his 9 years of service with the NYPD (enc. A-1 – A-2). In CCRB Case No. 200701344, the allegations were abuse of authority (refusal to provide name/shield, frisk and search of person). The NYPD disposition was not guilty.
- Detective Bonacarti has been a member of the service for 8 years and there are no substantiated CCRB allegations against him (enc. A-3).
- PO Ravelo has been a member of the service for 2 years and there are no substantiated CCRB allegations against him (enc. A-4).
- Detective Aylward has been a member of the service for 12 years and there are no substantiated CCRB allegations against him (enc. A-5).

### **Conclusion**

### **Investigative Findings and Recommendations**

#### **Identification of Subject Officers**

- § 87(2)(b) was unable to identify the officers who allegedly used force against him. § 87(2)(g)
- PO Sullivan acknowledge interacting with § 87(2)(b) and § 87(2)(b) § 87(2)(g)
- Detective Bonacarti acknowledged interacting with § 87(2)(b) § 87(2)(g)
- § 87(2)(b) and § 87(2)(b) were unable to identify the officers that used force against them. § 87(2)(g)
- § 87(2)(b) and § 87(2)(b) were unable to identify the officer who spoke discourteously to them. Additionally, § 87(2)(b) was unable to identify the officers that used force against him. § 87(2)(g)
- Detective Aylward acknowledged interacting with § 87(2)(b) § 87(2)(g)
- PO Ravelo acknowledged interacting with § 87(2)(b) and § 87(2)(b) § 87(2)(g)



- § 87(2)(b) was unable to identify the officers who allegedly used force against him at the 47<sup>th</sup> Precinct stationhouse. § 87(2)(b) was also unable to identify the officer who allegedly spoke discourteously to him at the 47<sup>th</sup> Precinct stationhouse. § 87(2)(g)

**Allegation A – Force: Officers used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.**

§ 87(2)(g)

**Allegation B – Discourtesy: PO Patrick Sullivan spoke obscenely to § 87(2)(b) and § 87(2)(b) at § 87(2)(b) in the Bronx.**

**Allegation C – Discourtesy: Detective David Bonacarti spoke obscenely to § 87(2)(b) at § 87(2)(b) in the Bronx.**

§ 87(2)(b) alleged that PO Sullivan and Detective Bonacarti told him to “shut the fuck up” and to get back into his house. § 87(2)(b) alleged that PO Sullivan told him to “back the fuck up.” PO Sullivan and Detective Bonacarti denied using profane language against § 87(2)(b). Detective Bonacarti acknowledged, however, that he possibly told § 87(2)(b) to get the fuck back.

Police officers may use profanity to gain compliance in stressful street encounters. PD v. Court (enc. AA-1 – AA-9).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation D – Force: Officers used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.**

§ 87(2)(b) alleged that after fleeing from Detective Bonacarti, Detective Bonacarti caught up with him, stopped him and punched him. § 87(2)(b) also alleged that he was pushed to the ground and that while he was on the ground several unidentified officers punched and kicked him repeatedly.

Detective Bonacarti denied punching § 87(2)(b). PO Sullivan acknowledged punching § 87(2)(b) more than once during the struggle to handcuff him. Detective Bonacarti, PO Sullivan and Sergeant O’Rourke all stated that § 87(2)(b) attempted to interfere with § 87(2)(b) arrest, was non-compliant and violently resisted. § 87(2)(b) admitted that he did not comply with the officers’ directives and moved his body around when they tried to handcuff him. Additionally, Sergeant O’Rourke testified that § 87(2)(b) got into a fighting stance and ultimately elbowed him in the face when he attempted to handcuff him.

NYPD Patrol Guide Procedure 203-11, states that officers can use minimum force necessary to effect an arrest of a violent or resisting individual (enc. AA-10 – AA-11).

§ 87(2)(b)'s arrest photo (enc. C-20) does not show any injuries to his face. § 87(2)(b) obtained medical treatment at § 87(2)(b) § 87(2)(b) days after the incident (enc. E-42 – E-63). § 87(2)(b) sustained an abrasion to his collarbone, a fractured tooth and a ruptured blood vessel in his right wrist. § 87(2)(g)

**Allegation E – Force: Detective David Bonacarti used physical force against § 87(2)(b) at § 87(2)(b) in the Bronx.**

§ 87(2)(b) alleged that Detective Bonacarti slapped him. Detective Bonacarti denied the allegation. PO Sullivan's statement corroborated that of Detective Bonacarti's. § 87(2)(b) and § 87(2)(b) were not present during this portion of the incident. § 87(2)(b) although present, was on the ground and in the process of being handcuffed when this allegedly occurred. § 87(2)(g)

**Allegation F – Force: Officers used physical force against § 87(2)(b) and § 87(2)(b) at § 87(2)(b) in the Bronx.**

**Allegation G – Force: An officer struck § 87(2)(b) with an asp at § 87(2)(b) in the Bronx.**

§ 87(2)(b) alleged that after attempting to flee from the scene, several officers pushed him to the ground. Once on the ground, § 87(2)(b) alleged that several officers, whom he could not identify, kicked and punched him on the face and ribs approximately 15 times. § 87(2)(b) also alleged that an unidentified officer struck him with an asp on the leg approximately 3 times.

§ 87(2)(b) alleged that as he approached the officers who were attempting to arrest § 87(2)(b) unidentified officers surrounded him, pushed him to the ground and punched him repeatedly for approximately 1 minute. § 87(2)(b) also alleged that an unidentified officer kicked him in the face.

NYPD Patrol Guide Procedure 203-11, states that officers can use minimum force necessary to effect an arrest of a violent or resisting individual (enc. AA-10 – AA-11).

None of the civilians or officers interviewed were able to identify the officers who allegedly used force against § 87(2)(b) PO Ravelo claimed to have temporarily assisted the officers who were attempting to handcuff § 87(2)(b) but he did not witness any of the alleged force as he turned to conduct crowd control and later assisted in the arrest of § 87(2)(b) PO Ravelo did, however, admit to brandishing his asp.

§ 87(2)(b)'s mother, § 87(2)(b) claimed that unidentified officers repeatedly punched and kicked § 87(2)(b) after he was handcuffed. § 87(2)(b) also claimed that § 87(2)(b) did not resist. § 87(2)(g)

§ 87(2)(b)'s arrest photo does not show any visible injuries to his face (enc. C-7). § 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (enc. E-23 – E-41). § 87(2)(b) sustained abrasions to his right cheek, leg and ribs. The medical records revealed no dislocations, fractures or any other physical injuries. § 87(2)(g)

None of the civilians interviewed were able to confirm whether force was used against § 87(2)(b) and were otherwise unable to identify any of the officers who attempted to handcuff § 87(2)(b) because they did not witness his apprehension. PO Ravelo acknowledged being involved in § 87(2)(b)'s apprehension but was unable to identify any of the officers who assisted him. PO Ravelo stated that § 87(2)(b) violently resisted the officers by trying to punch them and refused to give his arms. PO Ravelo denied using any additional force against § 87(2)(b) besides grabbing and pulling his arms. PO Ravelo did not witness any officers punching or kicking § 87(2)(b).

§ 87(2)(b)'s arrest photo does not show any visible injuries to his face (enc. C-28). § 87(2)(b) was treated at § 87(2)(b) on § 87(2)(b) (enc. E-1 – E-22). § 87(2)(b) sustained scratches to his right forearm and bilateral abrasions to his hands. § 87(2)(b) claimed during his initial phone statement that he sustained facial fractures as a result of the force used against him during this incident. However, the medical records revealed that § 87(2)(b) had old left-sided orbitomaxillary (facial/orbital and jaw) fractures and that there was no evidence of a new fracture. The medical records revealed no dislocations, additional fractures or any other physical injuries. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation H – Discourtesy: Officers spoke obscenely to § 87(2)(b) and § 87(2)(b) at § 87(2)(b) in the Bronx.**

§ 87(2)(b) and § 87(2)(b) alleged that as they approached a group of officers who were attempting to arrest § 87(2)(b) an unidentified officer told them to “get the fuck out of here.”

Police officers may use profanity to gain compliance in stressful street encounters. PD v. Court (enc. AA-1 – AA-9).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation I – Force: An officer struck § 87(2)(b) with an asp at § 87(2)(b) in the Bronx.**  
**Allegation J – Force: Detective Joseph Aylward tasered § 87(2)(b) at § 87(2)(b) in the Bronx.**

§ 87(2)(b) alleged that an unidentified officer hit him with an asp. § 87(2)(b) also claimed that Detective Aylward tasered him and that officers continued to use force against him once he was tasered. As mentioned previously, none of the civilians interviewed were able to confirm whether force was used against § 87(2)(b) and were otherwise unable to identify any of the officers who attempted to handcuff § 87(2)(b) because they did not witness his apprehension; however, all of the civilians confirmed that § 87(2)(b) was tasered.

NYPD Patrol Guide Procedure 216-05 on Mentally Ill or Emotionally Disturbed Persons (EDP) states that officers who are assigned to ESU may utilize a taser to assist in restraining an EDP who is engaging in behavior that could result in physical injury to himself or others (enc. AA-12 – AA-17).

As mentioned previously, PO Ravelo stated that § 87(2)(b) violently resisted the officers by trying to punch them and refused to give his arms. Detective Aylward acknowledged tasered § 87(2)(b). Detective Aylward confirmed that § 87(2)(b) violently resisted the officers. According to Detective Aylward, the first

attempt at taser[redacted] § 87(2)(b) was unsuccessful because one of the darts missed [redacted] § 87(2)(b). Detective Aylward claimed that [redacted] § 87(2)(b) charged towards him and struggled with him on the ground, at which point he managed to taser [redacted] § 87(2)(b) on his shoulder. Both PO Ravelo and Detective Aylward stated that [redacted] § 87(2)(b) stopped struggling once he was tasered and the officers were able to finally handcuff him.

[redacted] § 87(2)(g)

**Allegation K – Discourtesy: An officer spoke obscenely to [redacted] § 87(2)(b) at [redacted] § 87(2)(b) in the Bronx.**

[redacted] § 87(2)(b) alleged that he heard an officer say “Fuck you,” as they attempted to handcuff him. [redacted] § 87(2)(b) did not see the officer who said this and was unable to identify any of the officers who were involved in his apprehension. All of the officers interviewed denied the allegation. [redacted] § 87(2)(g)

**Allegation L – Discourtesy: PO Brandon Ravelo spoke obscenely to [redacted] § 87(2)(b) at [redacted] § 87(2)(b) in the Bronx.**

[redacted] § 87(2)(b) alleged that as PO Ravelo escorted him to the police van he told him, “shut the fuck up.” PO Ravelo denied the allegation. [redacted] § 87(2)(g)

[redacted] During his initial phone statement, [redacted] § 87(2)(b) made no allegations against PO Ravelo. In fact, [redacted] § 87(2)(b) made no discourtesy allegations during his initial phone statement. [redacted] § 87(2)(b) also provided exaggerated testimony. During his initial phone statement, [redacted] § 87(2)(b) alleged that he was tasered four times and that he sustained facial fractures as a result of the force used against him. [redacted] § 87(2)(b)'s medical records revealed that he had an old facial fracture and that he had not sustained any new fractures as a result of this incident. Additionally, the medical records revealed that [redacted] § 87(2)(b) only sustained minor injuries and there was no evidence that he was tasered more than once. [redacted] § 87(2)(b) also claimed that he heard an officer tell [redacted] § 87(2)(b) at the stationhouse, “You want to be tough? I’ll punch you again.” [redacted] § 87(2)(b) never alleged this.

[redacted] § 87(2)(g)

**Allegation M – Abuse: PO Brandon Ravelo threatened [redacted] § 87(2)(b) with the use of force at [redacted] § 87(2)(b) in the Bronx.**

**Allegation N – Force: PO Brandon Ravelo used physical force against [redacted] § 87(2)(b) at the 47th Precinct Stationhouse.**

**Allegation O – Force: Officers used physical force against [redacted] § 87(2)(b) at the 47th Precinct Stationhouse.**

**Allegation P – Discourtesy: An officer spoke obscenely to [redacted] § 87(2)(b) at the 47th Precinct Stationhouse.**

**Allegation Q – Abuse: PO Brandon Ravelo damaged [redacted] § 87(2)(b)'s property at the 47th Precinct Stationhouse.**

[redacted] § 87(2)(b) alleged that PO Ravelo threatened to fight with him and to “fix” him when they got to the stationhouse. [redacted] § 87(2)(b) also alleged that when he was removed from the police van PO Ravelo pushed and dragged him on the ground through some trash near the stationhouse. Additionally, [redacted] § 87(2)(b) alleged that PO

Ravelo pushed him through the stationhouse door, using his face to open the door. § 87(2)(b) claimed that an unidentified officer then punched him in his face. § 87(2)(b) also claimed that unidentified officers picked him up and tossed him over the front desk in the stationhouse and that an unidentified officer at the desk spoke obscenely to him, saying, "I don't want this scum here. Get him the fuck out of here." Lastly, § 87(2)(b) alleged that PO Ravelo pulled and tore the hood off of his hooded sweatshirt and cut his belt with a knife. PO Ravelo denied the allegations and all of the officers interviewed corroborated PO Ravelo's testimony.

§ 87(2)(b) claimed to have heard PO Ravelo cursing at § 87(2)(b) while in the van, but was unable to articulate any of the expletives used. § 87(2)(b) also claimed to have heard PO Ravelo threaten to fight and punch § 87(2)(b) § 87(2)(g)

Neither § 87(2)(b) nor § 87(2)(b) who were with § 87(2)(b) when the alleged misconduct occurred, claimed to have witnessed any of the allegations raised by § 87(2)(b). Additionally, neither § 87(2)(b) nor § 87(2)(b) claimed to have witnessed § 87(2)(b) thrown over the front desk. They also didn't claim to witness any officer damaging § 87(2)(b)'s property.

§ 87(2)(g) During his initial phone statement, § 87(2)(b) did not allege that PO Ravelo threatened him with the use of force or otherwise spoke obscenely to him. In fact, § 87(2)(b) made no allegations against PO Ravelo during his initial phone statement until after he was transported to the stationhouse. § 87(2)(b) alleged during his initial phone statement that an unidentified officer in the van called him a "dumb ass nigger," a "pussy" and threatened to "fuck him up." § 87(2)(b) also stated in his initial phone statement that he argued with this unidentified officer, who in turn continually cursed at him. Additionally, during his initial phone statement, § 87(2)(b) alleged that the officer he argued with in the van was the officer who pushed him against the banister and against the door and not PO Ravelo. The only allegation § 87(2)(b) made against PO Ravelo during his initial phone statement was that he threw him over the front desk in the stationhouse. § 87(2)(b) also did not allege that the officer at the desk spoke obscenities when he provided his initial phone statement.

§ 87(2)(g) § 87(2)(b) alleged that PO Ravelo was also going to cut § 87(2)(b)'s belt off but that § 87(2)(b) begged him not too because it was a "Gucci" belt and that an officer standing with PO Ravelo in the holding cell said, "Fuck him. Cut that shit off." § 87(2)(b) claimed that PO Ravelo ultimately allowed § 87(2)(b) to take his belt off and did not cut it. § 87(2)(b) never claimed that this happened. Additionally, § 87(2)(b) never brought proof the alleged damaged items.

§ 87(2)(g)

Team: 3

Investigator: \_\_\_\_\_  
Signature Print Date

Supervisor: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date

